

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Larry A. White,

Plaintiff,

v.

Matthew Brokaw; Steven Fleshman;
Bryan Stirling (Agency Director); Joel
Anderson (Deputy Director); Dennis
Patterson (Assistant Deputy Director);
Willie Davis (Regional Director);
Charles Williams (Perry Correctional
Institution Warden); Curtis Early
(Perry CI Associate Warden); Daniel
Harouff (Perry CI Captain); Clayton
Holbrook (Perry CI Classification
Caseworker); J. Perks (Perry CI
Lieutenant); G. Salazar (Perry CI
Deputy Warden); John Palmer (Perry
CI Deputy Warden); Aaron Joyner
(Lee CI Associate Warden); Major
Bennett (Perry CI); R. Tisdale (Lee
CI, Associate Warden); Kenneth
Nelson; Edward Settles; Captain
Clark; Corporal Jones; Katurah
Gause; South Carolina Department of
Corrections,

Defendants.

Case No. 9:23-cv-00057-JDA

OPINION AND ORDER

This matter is before the Court on a motion for summary judgment filed by Defendants. [Doc. 58.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Molly H. Cherry for pre-trial proceedings.

On January 31, 2024, the Magistrate Judge issued a Report and Recommendation (“Report”) recommending that Defendants’ motion for summary judgment be granted. [Doc. 79.] The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. Plaintiff has filed no objections and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, Defendants’ motion for summary judgment [Doc. 58] is GRANTED.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

March 18, 2024
Beaufort, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.